

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

FRANK E. VOTH,

Plaintiff,

6:13-cv-0575-AA

v.

ORDER

WENDY HATFIELD, et al.,

Defendants.

AIKEN, District Judge.

Before the court is plaintiff's Motion for Emergency Preliminary Injunction (#3).

"The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held," and it is generally inappropriate for a federal court at the preliminary injunction stage to give a final judgment on the merits. University of Texas v. Camenisch, 451 U.S. 391, 395 (1981); Tanner Motor Livery, Ltd.

V. Avis, Inc., 316 F.2d 804, 808 (9th Cir. 1983). See also, Regents of University of California v. ABC, Inc., 747 F.2d 511, 514 (9th Cir. 1984) ("\* \* \* the function of a preliminary injunction is to preserve the *status quo ad litem*." ) Wright and Miller, Federal Practice and Procedure § 2947 (1973) ("\* \* \* the most compelling reason in favor of entering a Rule 65(a) order is the need to prevent the judicial process from being rendered futile by defendant's actions or refusal to act").


In this case, the preliminary equitable relief that plaintiff seeks would in essence constitute a judgment on the merits of plaintiff's underlying claim and is therefor inappropriate.

Moreover, plaintiff's claims in this case appear to "overlap" and possibly duplicate his claims in Civ. No. 2:12-cv-01156-AA, and may be subject to dismissal for that reason. Accordingly, plaintiff has failed to establish an "irreducible minimum," that he has a fair chance of success on the merits of his claims in this proceeding. Stanley v. University of Southern California, 13 F.3d 1313, 1319 (9<sup>th</sup> Cir. 1994), quoting Martin v. International Olympic Committee, 740 F.2d 670, 674-675 (9<sup>th</sup> Cir. 1994); Committee of Cent. American Refugees v. I.N.S., 795 F.2d 1434, 1437 (9<sup>th</sup> Cir. 1986).

Plaintiff's Motion for Emergency Preliminary Injunction  
(#3) is denied.

IT IS SO ORDERED

DATED this 20 day of April, 2013.

  
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Ann Aiken  
United States District Judge